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BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Seventh Floor

12400 Wilshire Boulevard

Los Angeles, CA 90025-1026

EXAMINER

DAVIS, TEMICA M

ART UNIT

PAPER NUMBER

2681

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/960,120

**Applicant(s)**

KNAUERHASE ET AL.

**Examiner**

Temica M. Davis

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed January 5, 2004 have been fully considered but they are not persuasive.

The applicant argues that Averbuch fails to disclose the claims as presently amended. Specifically, it is argued that Averbuch fails to disclose "in response to detecting data for the client, utilizing a paging functionality to notify the client that the client has data".

The examiner, however, disagrees. Averbuch discloses a method and apparatus for providing packet data communications to a communication unit in a radio communication system. Averbuch further discloses, in two different embodiments, wherein a packet router routes packet data to a wireless communication unit when the router receives packet data intended for the communication unit (col. 3, lines 41-52). In the first embodiment, the router determines if a communication unit is involved in a communication session. If so, the router provides the packet data directly to the communication unit through the serving base station (col. 3, lines 56-60). In the second embodiment, if it is determined that the communication is not currently involved in a packet data session, the communication unit is paged (col. 3, lines 60-65). Also, in col. 5, lines 9-18, it is taught that it is required to page the communication unit when the packet data router receives a data packet for the communication unit. These passages teach that the communication unit is paged in response to detecting data for the client.

The claim language only requires that the unit be paged in response to detecting that there is data for the unit. In Averbuch, if the client/unit did not have data to be routed to it, it would not have a need to be paged.

Applicant also argues that Averbuch, in combination with Johansson, fails to disclose "in response to detecting data for the client, utilizing a paging functionality to notify the client that the client has data".

However, as explained above, Averbuch does read on the claim language as amended, and therefore, when taken in combination with Johansson, reads on the limitations disclosed in the additional claims.

Based on the remarks above, the claims stand rejected as set forth below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 9, 10, 12, 13, 17, 18, 21, 24, 25, 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Averbuch et al (Averbuch), U.S. Patent No. 5,901,142.

Regarding claim 1, Averbuch discloses a method comprising: detecting data for a client, the data being detected on a server in a cellular network having one or more servers (col. 3, lines 48-52); inherently determining the client's paging address (col. 3,

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lines 60-65); in response to detecting data for the client, utilizing a paging functionality to notify the client that the client has data (col. 3, lines 60-65, col. 5, lines 9-18); and in response to the client connecting to the cellular network and requesting the data, sending the data to the client (col. 6, lines 34-62).

Regarding claim 2, Averbuch discloses the method of claim 1, wherein the sending the data to the client comprises sending the data to the client using TCP/IP (Transmission Control Protocol/Internet Protocol) (col. 5, lines 19-44).

Regarding claim 6, Averbuch discloses a method comprising receiving a page from a paging functionality, the page being indicative of, and in response to data arriving on one of a number of servers in a cellular network (col. 6, lines 15-33); and in response to receiving the page (col. 3, lines 60-65, col. 5, lines 9-18), connecting to the cellular network to receive the data (col. 6, lines 34-62).

Regarding claim 9, Averbuch discloses the method of claim 6, wherein the page comprises a server identification corresponding to the server (col. 6, line 63-col. 7, line 8).

Regarding claim 10, Averbuch discloses the method of claim 6, wherein said connecting is an automatic operation (col. 6, lines 56-65).

Regarding claim 12, Averbuch discloses the method of claim 6, wherein said receiving the page comprises receiving the page on a mobile device (col. 3, lines 41-52).

Regarding claim 13, Averbuch discloses an apparatus comprising: a detector module to detect data arriving for a given client on a server in a cellular network having

one or more servers (col. 3, lines 48-52); a lookup module to determine the given client's paging address and a callout module to utilize a paging functionality to notify the client that the client has data, the notifying in response to the detector module detecting data arriving on one of the one or more servers lookup module determining the client's paging address (col. 3, lines 60-65 and col. 6, lines 34-62).

Regarding claim 17, Averbuch discloses an apparatus comprising: means for detecting data arriving for a given client on a server in a cellular network having one or more servers (col. 3, lines 48-52); means for determining the given client's paging address (col. 3, lines 60-65); and means for utilizing a paging functionality to notify the client that the client has data, the notifying in response to the lookup module detecting data arriving on one of the one or more servers (col. 3, lines 60-65 and col. 6, lines 34-62).

Regarding claim 18, Averbuch discloses the apparatus of claim 17, wherein the client comprises a mobile device (col. 3, lines 41-52).

Regarding claim 21, Averbuch discloses a system comprising at least one server, the server to: receive data for one or more clients in a cellular network (col. 5, lines 18-27); send the data to a given one of the clients in response to the given client connecting to the network and requesting the data (col. 6, lines 34-62); and an interceptor in communication with the at least one server, the interceptor to: detect that one of the at least one servers has received data for a given client (col. 3, lines 48-52); determine the given client's paging address (col. 3, lines 60-65); and in response to the interceptor detecting that one of the at least one servers has received data for a given

client, utilize a paging functionality to notify the given client that the given client has data (col. 3, lines 60-65 and col. 6, lines 34-62).

Regarding claim 24, Averbuch discloses inherently a machine-readable medium having stored thereon data representing sequences of instructions, the sequences of instructions which, when executed by a processor, cause the processor to perform the following: detect data for a client, the data being detected on a server in a cellular network having one or more servers (col. 3, lines 48-52); determine the client's paging address (col. 3, lines 60-65); in response to detecting data for the client, utilize a paging functionality to notify the client that the client has data (col. 3, lines 60-65, col. 5, lines 9-18); and in response to the client connecting to the cellular network and requesting the data, send the data to the client (6, lines 34-62).

Regarding claim 25, Averbuch discloses the machine-readable medium of claim 24, wherein the sending the data to the client comprises sending the data to the client using TCP/IP (Transmission Control Protocol/Internet Protocol) (col. 5, lines 19-44).

Regarding claim 28, Averbuch discloses an apparatus comprising inherently at least one processor; and a machine-readable medium having instructions encoded thereon, which when executed by the processor, are capable of directing the processor to: detect data for a client, the data being detected on a server in a cellular network having one or more servers (col. 3, lines 48-52); determine the client's paging address (col. 3, lines 60-65); in response to detecting data for the client, utilize a paging functionality to notify the client that the client has data (col. 3, lines 60-65, col. 5, lines 9-

18); and in response to the client connecting to the cellular network and requesting the data, send the data to the client (col. 6, lines 34-62).

Regarding claim 29, Averbuch discloses the apparatus of claim 28, wherein the sending the data to the client comprises sending the data to the client using TCP/IP (Transmission Control Protocol/Internet Protocol) (col. 5, lines 19-44).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 7, 8, 11, 14-16, 19, 20, 22, 23, 26, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Averbuch in view of Johansson, WO 01/28168.

Regarding claim 3, Averbuch discloses the method of claim 1 as described above, and further discloses a cellular packet communication system (col. 4, lines 9-25). Averbuch, however, fails to specifically disclose wherein the cellular packet communication system comprises GPRS (General Packet Radio System).

In a similar field of endeavor, Johansson discloses the transfer of packet data from a network server to a mobile station over a digital radio communication network. Johansson further discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).



At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 4, the combination of Averbuch and Johansson discloses the method of claim 3, wherein the paging functionality comprises a cellular based paging functionality (Averbuch, figure 1).

Regarding claim 5, the combination of Averbuch and Johansson discloses the method of claim 4, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 7, Averbuch discloses the method of claim 6 as described above. Averbuch, however, fails to specifically disclose wherein the cellular based network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 8, the combination of Averbuch and Johansson discloses the method of claim 7, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 11, Averbuch discloses the method of claim 6 as described above. Averbuch, however, fails to disclose, wherein the connection is a manual operation performed by a user on the client.

Johansson discloses such a technique when used with information transmitted via SMS (page 17, lines 6-8).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson to provide a more flexible system that allows user interaction.

Regarding claim 14, Averbuch discloses the method of claim 13 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 15, the combination of Averbuch and Johansson discloses the method of claim 14, wherein the paging functionality comprises a cellular based paging functionality (Averbuch, figure 1).

Regarding claim 16, the combination of Averbuch and Johansson discloses the apparatus of claim 15, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 19, Averbuch discloses the method of claim 17 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 20, the combination of Averbuch and Johansson discloses the apparatus of claim 19, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 22, Averbuch discloses the method of claim 21 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 23, the combination of Averbuch and Johansson discloses the system of claim 22, wherein the paging functionality comprises a cellular based paging functionality (Averbuch, figure 1).

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Regarding claim 26, Averbuch discloses the machine-readable medium of claim 24 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

Regarding claim 27, the combination of Averbuch and Johansson discloses the machine-readable medium of claim 26, wherein the paging functionality comprises SMS (Short Message System) (Johansson, page 16, line 33-page 17, line 8).

Regarding claim 30, Averbuch discloses the apparatus of claim 28 as described above. Averbuch, however, fails to specifically disclose wherein the cellular network comprises GPRS (General Packet Radio System).

Johansson discloses wherein the radio based network comprises GPRS (General Packet Radio System) (page 6, lines 8-14).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Averbuch with the teachings of Johansson since the GPRS network is widely known and used to transfer packet data in cellular systems.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached Monday-Friday (alternate Fridays) from 9:00am-3:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary, can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis  
Examiner  
Art Unit 2681

TMD  
March 29, 2004

  
TEMICA M. DAVIS  
PATENT EXAMINER

  
ERIKA GARY  
PATENT EXAMINER